

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Kay C. Robinson, Jr.,

Plaintiff,

Case No. 24-11786

Hon. Jonathan J.C. Grey

v.

Global Semiconductor Alliance (GSA),

Defendant.

_____ /

**OPINION AND ORDER GRANTING APPLICATION TO
PROCEED WITHOUT PREPAYING FEES OR COSTS AND
DISMISSING COMPLAINT**

Pro se plaintiff Kay C. Robinson, Jr. filed this case against Global Semiconductor Alliance (GSA) on July 10, 2024. (ECF No. 1.) Robinson alleges that various unnamed parties are pooling funds for the defendant's benefit by using Robinson's patented Fiber-Optic Connected Logic (FOCL); specifically, that "various semiconductor manufacturing companies for the purpose of optical and photonic computing" are using it to run dozens of artificial intelligence (AI) programs.

For the following reasons, the Court **GRANTS** Robinson's application to proceed without prepaying fees and costs and **DISMISSES** the complaint under 28 U.S.C. § 1915(e)(2).

I. Factual Background

In the complaint, Robinson alleges the following. In early 2019, Robinson posted a link to the patent (Patent No. US 11,108,397 B2) (the Patent) on Facebook and LinkedIn with the hopes of encouraging future sales. Robinson claims that unidentified parties planned to use this IP after seeing the post. At that time, Robinson was still going through the examination phase and the Patent had not yet been granted. Soon after the posts, Robinson came across an article about research being conducted in Finland that was similar to the Patent.

Robinson was granted the Patent in late 2021. Soon after being granted the Patent, Robinson contracted with a broker, BankOnIP, to market it. Robinson, after conducting research, identified ChatGPT and other AI programs that were being run on the optical computing hardware Robinson patented. Robinson concludes that while unspecified parties are neither selling the Patent nor making a profit from direct usage, the Patent is being used to “run cloud programs” that do make a profit.

II. Legal Standard

Under 28 U.S.C. § 1915, the Court may allow a person to proceed without prepayment of fees or costs, i.e., in forma pauperis. However, the

Court is required to review each case for summary dismissal if the action is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

III. Analysis

The Court finds that Robinson is unable to pay the filing fee (*see* ECF No. 2) and **GRANTS** Robinson's application to proceed in forma pauperis under 28 U.S.C. § 1915. However, the Court also finds that Robinson's complaint fails to state a claim upon which relief can be granted.

Federal Rule of Civil Procedure 8 requires only a short and plain statement of the claim that shows the plaintiff is entitled to relief. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). The plaintiff has a duty to provide fair notice of what the claim is and what the grounds for the claim are. *Id.* That is, the plaintiff must state enough factual matter, which the Court accepts as true, to plausibly suggest the defendant is liable for its actions. *Id.* The plaintiff must provide more than labels, conclusions, or bald legal assertions. *Id.*

Here, Robinson does not offer fair notice of what the claims are against the defendant. Robinson does not specify any instances of the defendant using the Patent in an unauthorized manner. The defendant allegedly “gives out funding to various universities and organizations for semiconductor research.” It is unclear how the aforementioned conduct violates Robinson’s patent. While Robinson makes several vague allegations of possible patent infringement against unnamed parties, Robinson does not specify what claims are being brought against the only named defendant, GSA. Therefore, Robinson’s claims do not meet the pleading requirements. *Twombly*, 550 U.S. at 555. Robinson’s claims are **DISMISSED WITHOUT PREJUDICE**.

IV. Conclusion

For the foregoing reasons, the Court **GRANTS** Robinson’s application to proceed without prepaying and **DISMISSES WITHOUT PREJUDICE** this action against the defendant.

SO ORDERED.

s/ Jonathan J.C. Grey
Jonathan J.C. Grey
United States District Judge

Dated: September 12, 2024

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 12, 2024.

s/ S. Osorio
Sandra Osorio
Case Manager